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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,325

10/19/2006

Peter Titz

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9676

27305

7590

05/11/2009

HOWARD & HOWARD ATTORNEYS PLLC  
450 West Fourth Street  
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EXAMINER

TANG, JEFF

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,325	<b>Applicant(s)</b> TITZ, PETER	
	<b>Examiner</b> Jeff Tang	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 15, 16, 24-26, 32, 33 and 35-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-14, 17-23, 27-31 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/1/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Election/Restrictions*

2. Applicant's election without traverse of Species 1 of Figures 1-8 and 12, claims 1-6, 10-14, 17-23, 27-31 and 34 in the reply filed on 3/4/09 is acknowledged.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 10-14, 17-19, 21, 27-31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dover (US 6,023,888).** Regarding claims 1 and 18, the claim is considered a product by process claim (see MPEP 2113). Dover discloses a sealing, trimming or guiding strip for a window frame of a vehicle, said strip being disposed to selectively contact a window pane having an interior side and an exterior side, said strip comprising a length of extruded material extending along and forming part of the strip (20), the extruded material includes a channel (32) and a rigid reinforcing carrier embedded within the extruding material in a region corresponding to the channel (46, 48), the molded material forming a first window pane receiving surface at the interior side of the window pane (64), the extruded material extending from the

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channel and having a second window pane receiving surface at the exterior side of the window pane and a generally oppositely facing surface directly visible from the exterior of the vehicle, this extended extruded material also remaining as part of the strip after removal of said portion of the extruded material. The method is inherently shown. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have made the seal into two parts, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). The motivation for doing so would be to make the weather seal of two different materials for better durability.

Regarding claims 2, 10-14, 19, 21, 27-31, and 34 Dover discloses the molded material is extended to form a closed loop (the seal is surrounding the window frame; **[claims 10, 21 and 27]** wherein the extruded and molded material includes a plurality of integral formations (46, 48); **[claims 11 and 28]** further comprising an elongate rigid member into which a portion of the strip is fitted (42); **[claims 12 and 29]** wherein the molded material is fitted into the rigid member; **[claims 13 and 30]** wherein the rigid member also accommodates a further length of extruded material having a window pane receiving channel (38); **[claims 14 and 31]** wherein the rigid member is of substantially H shaped (Fig. 1); **[claims 17 and 34]** wherein the extruded material includes a limb (64) forming at least a part of a window pane receiving channel, a portion of the window pane receiving channel being removed by removal of said portion of the extruded material.

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5. **Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dover (US 6,023,888) in view of Keeney et al. (US 6,370,824 B1).** Dover discloses the invention as set forth, but does not disclose a length of extruded material beyond the said portion thereof extends from the closed loop. However, Keeney et al. discloses a closed loop seal and a length at extends from the closed loop (Column 2, lines 36-53). Therefore, it would have been obvious to one of ordinary skill to have an extra length material. The motivation for doing so would be to accommodate a window and a quarter window or vice versa.

6. **Claims 4-6, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dover (US 6,023,888) in view of Nozaki (US 5,918,421).** Dover discloses the invention as set forth, but does not disclose the material including an integral formation for securing the molded part to the window frame. However, Nozaki discloses an integral formation (aperture in 41). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention to have included an integral formation. The motivation for doing so would be to secure the seal to the window frame.

Regarding claims 5, 6, 22, and 23, Nozaki discloses an aperture (aperture in 41) where the clamping member (5) passes; **[claims 6 and 23]** wherein the clamping member is attached to the window pane and the window pane is secured to the window frame by the passage of the clamping member through the aperture in the molded part and through a further aperture in the window frame (5, Fig. 1).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Drivon et al. (US 2005/0120634 A1) disclose a similar form to applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Tang whose telephone number is (571) 270-5223. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. T./

Examiner, Art Unit 3634

/Jerry Redman/

Primary Examiner, Art Unit 3634